IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE FIFTH DAY OF OCTOBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE A.GOPAL REDDY

WRIT PETITION NO : 12408 of 2004

Between:

Smt. Zainab Khatoon w/o Ifthikhar Mehdi Khan, Agriculture & House hold, R/o H.No. 3-6-230,
Himayatnagar, Hyderabad. (Rep. by her Registered GPA Holder Aijaz Ali Khan, S/o Late Sarwar Khan, vide
Registered document No. of S.R.O. M.J. Road, Hyderabad).

..... PETITIONER

AND

1 Special Deputy Collector/ Land Acquisition, Officer (I.A.P) R. R. District at Collector Office, Lakdi-ka-Pool, Hyderabad.
2 District Collector, R. R. District,
Lakdi-ka-Pool, Hyderabad.
3 Smt. Taharunnisa Begum @ Tabasum Unnisa Begum, W/o Samsuddin Azmi, aged major,
R/o 553, Kilwat, Motigalli, Hyderabad.
4 Shamsuddin Azmi, aged Major,
R/o 553, Kilwat, Motigally, Hyderabad.
5 G. Venkaiah, s/o Pochaiah,
R/o Tukkuguda village, Mankhal, M.R. Maheshwaram, R.R. District.
6 Smt. Sharada Devi, W/o Subba Rao,
R/o Road No.2, Karmanghat, L.B. Nagar Municipality, Ranga Reddy District.
7 M.V.S. Srinivas Rao S/o Subba Rao,
R/o Road No.2, Karmanghat, L.B. Nagar Municipality, Ranga Reddy District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, order or direction more particularly a writ in the nature of Mandamus directing the respondent No.1 to make a reference to the Civil Court ie., District Judge, Ranga Reddy District at L.B. Nagar, under section 30 of Land Acquisition Act in respect of Award No. B/404/2001 dated 15-6-2002 in respect of acquisition of part of lands in Sy.No. 99, 100 and 102 of Mankhal Revenue village, Mandal Maheshwaram, Ranga Reddy District by depositing the amount of compensation awarded in respect of said lands in a competent Civil Court ie., District Judge, Ranga Reddy District

Counsel for the Petitioner:MR.P.V.NARAYANA RAO

Counsel for the Respondent No.1 : GP FOR LAND ACQUISITION

Counsel for Respondent No.2 : GP FOR REVENUE

Counsel for Respondent Nos.3 to 7:

The Court at the stage of admission made the following ORDER:

Petitioner claims to be the owner and possessor of the land in an extent of Ac.67.29 cents in survey Nos. 99,100,102 in Mankhal village, Maheswaram Mandal. The Government acquired part of the said land for the purpose of International Airport at Shamshabad and consequently the first respondent passed an award dated 15.06.2002, without giving any notice to the petitioner, awarding compensation to respondents 3 to 7, who are not entitled for the same. Petitioner made a representation dated 21.10.2002 to the first respondent to refer the matter to the competent civil Court under Section 30 of

the Land Acquisition Act,1894 (for short 'the Act') by deposing the compensation amount awarded in the civil Court. Meanwhile, D. Sattemma and another filed W.P.No.10718 of 2002 in this Court not to disburse the compensation in pursuant to any award passed in respect of survey Nos. 98,99,100,101 and 102 of Tokkuguda village, Maheswaram Mandal, in which, an interim order was passed. Against the same, the said Sattemma and another filed W.A.No.1449 of 2002, in which the petitioner impleaded herself as 13th respondent as per orders in W.A.M.P.No.2979 of 2002 dated 11.06.2003 and the said W.A. was disposed of on 25.06.2003 making the interim order absolute pending the writ petition. Subsequently, without issuing any notice to the petitioner, W.P.No.10718 of 2002 was dismissed as withdrawn by order dated 26.04.2004. In view of the same and as the first respondent has not taken any action on his representation dated 21.10.2002 requesting to refer the matter to the Civil Court, the petitioner filed the present writ petition.

Heard learned counsel for the petitioner, learned Government Pleader for Revenue and learned Government Pleader for Land Acquisition.

The Apex Court in *Grant v. State of Bihar* categorically held that a person, who has not appeared in the acquisition proceeding before the Collector may, if he is not served with notice of the filing, raise a dispute as to apportionment or as to the persons to whom it is payable, and apply to the Court for a reference under Section 30, for determination of his right to compensation, which may have existed before the award, or which may have devolved upon him since the award. On making such petition, the Collector is under Section 30 not enjoined to make a reference: he may relegate the person raising a dispute as to apportionment, or as to the person to whom compensation is payable, to agitate the dispute in a suit and pay the compensation in the manner declared by his award. To the same effect is the Judgment of this Court in *Repaka Bhyrava Murthy v. Muppidi Venkataraju.* In view of the proposition laid down in the above cited Judgments, the first respondent is directed to pass appropriate orders on the representation dated 21.10.2002 submitted by the petitioner, within six weeks from the date of receipt of a copy of this order and intimate the same to the petitioner.

The writ petition is disposed of with the above said observation.

05.10.2004

ksld

To

1 Special Deputy Collector/ Land Acquisition, Officer (I.A.P) R. R.

District at
Collector Office, Lakdi-ka-Pool, Hyderabad.
2 District Collector, R. R. District,
Lakdi-ka-Pool, Hyderabad.
3 Two CCs to the Govt. Pleader for Revenue,High Court of

A.P.,Hyderabad (OUT).

4 Two CCs to the Govt. Pleader for Land Acquisitiion, High Court of

A.P.,Hyderabad (OUT).

5 Two CD copies.